

# **Notice of Allowability**

Application No.

09/676,078

Examiner

Qamrun Nahar

Applicant(s)

BOHAN, DAVID

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2191

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 07/27/2005.
2. ☒ The allowed claim(s) is/are 1-20, 25 and 28-30, renumbered 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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1. This action is in response to the appeal brief filed on 07/27/2005.
2. The amendment filed on 03/07/05 has been entered.
3. The objection to claim 22 is withdrawn in view of applicant's amendment filed on 03/07/2005.
4. The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter to claims 21-24 is withdrawn in view of applicant's amendment filed on 03/07/2005.
5. The rejection under 35 U.S.C. 102(e) as being anticipated by "Web390 for OS/390 and MVS", Information Builders, Inc., 1999 (hereinafter IB) to claims 1-4, 8-10, 14-17, 21-25 and 28-30 is withdrawn in view of applicant's remarks/arguments.
6. The rejection under 35 U.S.C. 103(a) as being unpatentable over "Web390 for OS/390 and MVS", Information Builders, Inc., 1999 (hereinafter IB) in view of Tsukamoto (U.S. 5,857,073) to claims 5, 11 and 18 is withdrawn in view of applicant's remarks/arguments.
7. The rejection under 35 U.S.C. 103(a) as being unpatentable over "Web390 for OS/390 and MVS", Information Builders, Inc., 1999 (hereinafter IB) in view of Sampath (U.S. 6,266,774) to claims 6, 12 and 19 is withdrawn in view of applicant's remarks/arguments.
8. The rejection under 35 U.S.C. 103(a) as being unpatentable over "Web390 for OS/390 and MVS", Information Builders, Inc., 1999 (hereinafter IB) in view of Gottsman (U.S. 6,134,548) to claims 7, 13 and 20 is withdrawn in view of applicant's remarks/arguments.
9. Claims 21-24 have been canceled.
10. Claims 1-20, 25 and 28-30 are pending.
11. Claims 1-20, 25 and 28-30 are allowed, renumbered 1-24.

### EXAMINER'S AMENDMENT

12. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jack H. McKinney (Reg. No. 45,685) on October 5, 2005.

The application has been amended as follows:

Please amend claim 25 as follows:

25. (Currently Amended) A computer readable medium storing one or more ~~computer programs~~ plug-in modules for providing an application with access to an unsupported third party legacy data list, the one or more plug-in modules comprising computer programs having instructions for:

an application program interface operable for:

receiving a request function call from the application program;

in response to the request function call, returning an identification of the third party legacy data list;

receiving an availability function call from the application program;

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in response to the availability function call, indicating whether or not the third party legacy data list is available.

- END -

### **REASONS FOR ALLOWANCE**

13. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, receiving, from said one or more plug-in modules found in said registry, identifications of one or more third party legacy data list corresponding to said found one or more plug-in modules; and providing a list of said identifications to said user through a user interface of said application program as substantially recited in independent claims 1, 8 and 14; and further fail to teach in response to the request function call, returning an identification of the third party legacy data list ... in response to the availability function call, indicating whether or not the third party legacy data list is available as substantially recited in independent claims 25 and 28.

The closest cited prior art, IB teaches a web browser plug-in that is capable of interfacing with IB web server. However, IB fails to teach receiving, from said one or more plug-in modules found in said registry, identifications of one or more third party legacy data list corresponding to said found one or more plug-in modules; and providing a list of said identifications to said user through a user interface of said application program as substantially recited in independent claims 1, 8 and 14; and further fail to teach in response to the request

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function call, returning an identification of the third party legacy data list ... in response to the availability function call, indicating whether or not the third party legacy data list is available as substantially recited in independent claims 25 and 28; and as pointed out by the applicant's remarks/arguments on pg. 10, par. 3 to pg. 12, par. 3; pg. 13, par. 3 to pg. 14, par. 2; and pg. 15, par. 3 to pg. 18, par. 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

14. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lamin Nahr*

QN  
October 5, 2005

*Wei Y. Zhen*  
**WEI Y. ZHEN**  
**PRIMARY EXAMINER**